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09/986,936	11/13/2001	Petri Koskelainen	59864.00635	6285

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EXAMINER	
MAUNG, ZARNI	
ART UNIT	**PAPER NUMBER**
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/986,936	KOSKELAINEN ET AL.	
	Examiner	Art Unit	
	Zarni Maung	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 May 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19 and 24-45* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19,24-45* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

1. This action is responsive to the amendment and remarks filed on May 9, 2007. Claims 1-19 and 24-45 are presented for further examination.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-19 and 24-45 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention. Regarding claims as amended (4/24/06), there is a strong presumption that an adequate written description of the claimed invention is present in the specification as filed, Wertheim, 541 F.2d at 262, 191 USPQ at 96, however, with respect to newly added or amended claims, applicant should show support in the original disclosure for the new or amended claims. See MPEP § 714.02, and 2163.06. ("Applicant should specifically point out the support for any amendments made to the disclosure.") (see MPEP § 2163 B (1I)). Specifically, regarding claims 1, 24 and 34 reciting the following clause: "wherein the first server provides the service in a single service stream to each second server to be then from the plurality of client devices redirected to the at least one second server", the claimed term "single service stream" and/or "stream" has not been found in applicant's detail description of invention. Thus is not clear how what is the scope or breadth of the term. According the closest written description to this subject matter, [see par 0041] FIG. 6 shows a diagram of event/notification DST signaling according to an example embodiment of the present invention. A client, 45A,

subscribes to a notification service or event with main server 40. Main server 40 decides to redirect this client and finds an additional server 44. Main server 40 creates a URL at additional server 44 if one does not already exist. Main server 40 then sends a SIP 302 Moved message to client 45A. This instructs client 45A to contact additional server 44 for the event subscribed to. Client 45A then sends a SUBSCRIBE message to additional server 44. Additional server 44 responds with an SIP 200 okay message. When new information becomes available related to the event that client 45A has subscribed to, main server 40 sends a NOTIFY message containing the updated information to additional server 44 who may then forward it on to client 45A. Furthermore, [see par 0032] The additional servers may be identified and manually configured in the main server, or found dynamically using known Domain Naming System (DNS) and/or Service Location Protocol (SLP) mechanisms. Thus, regarding amended claim limitation, "wherein the first server provides the service in a single service stream to each second server to be then provided from the plurality of client devices redirected to the at least one second server"; claim will be interpreted [AS BEST UNDERSTOOD] as wherein the first server provides a communication related to the request to the second server to be then provided to the plurality of client devices redirected to the second server.

As per claims 1, 44, 45, the scope of “at least one each second server..” is unclear.

As per claim 24, the scope of "reducing the load on the computing" is unclear and incomplete. Please clarify. As per claim 42 "The article according to claim 24,.." lacks proper antecedent basis.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6,15-19, 24-28, 33-38, 41-45 are rejected under 35 U.S.C. 102 (b) as being anticipated by Kriegsman, U.S. Patent Number 5,991,809 (hereinafter Kriegsman).

As per claims 1, 24, 34, 44 and 45, Kriegsman discloses a system and method for coordinating multiple servers to optimize transfer of work load in a distributed computing environment. Taking claim 1 as an exemplary claim, Kriegsman a method, comprising: receiving requests for a service at a first server from a plurality of client devices (see primary server 14, local user, remote user and satellite user col. 5, lines 14-25); determining to identify at least one other server to provide the service to at least one some of the plurality of client device on the basis of determining that a plurality of client devices are located in a particular location (see 4, lines 1-14, determining a optimum server from the group of servers [14, 16, LANs 35, 51] based on the availability of each server and proximity of the computer system to each server); determining that some of the plurality of client devices fulfill load balancing criteria for providing the

service more efficiently via at least one second server (see col. 3, line 55 to col.4 , lines determining a optimum server from the group of servers [14, 16, LANs 35, 51] based on the availability of each server, bandwidth, latency cost-effectiveness and efficiency); creating a resource identifier at the a at least one second server (see col. 3, lines 6-63, establishing communications link between client 12 with browser 22 to the secondary servers (14, 16); and redirecting at least some of the plurality of client devices to get the service from the at least one second server, wherein the first server provides the service in a single service stream to the at least one each second server (see col. 3, lines 50-55, sending a single request for a dynamic data file) to be then provided for the plurality of client devices redirected to the at least one second server to some of the plurality of client devices, therefore, reducing the load on the first server (see col. 3, lines 50-55, col. 6, lines 53-64, col. 7, lines 34-40, selecting one or more secondary servers 16).

As per claims 24, 34, 44 and 45, they do not teach or further define over the limitations recited in claim 1 above. Therefore, claims 24, 34, 44 and 45 are also rejected for the similar reasons set forth in claim 1, *supra*.

5. As per claim 2, Kriegsman discloses the method according to claim 1, further comprising receiving the requests for the service at the first server from web browsers at the plurality of client devices (see web browser 22 in client 12).

6. As per claims 3, 25, and 35, the following remarks are made in addition to those regarding claims 1, 24, 34, 44 and 45. As per claims 3,25 and 35, Kriegsman discloses

the method according to the above claims further comprising determining to identify the at least one other server to provide the service to at least some of the client devices based on current load of the first server (see column 7, lines 20-62, determining optimum server from servers 16 based on load of the primary server 14).

7. As per claims 4, 26, and 36, Kriegsman discloses the method according to the above claims, further comprising determining to identify the at least one other server to provide the service to at least some of the client devices based on a location of the some of the plurality of client devices (see column 7, lines 35-40, determining optimum servers 14, 16 based on the proximity of web browser system 12 to each web servers 14, 16).

8. As per claims 5, 27, 37 and 43, Kriegsman discloses the method according to the above claims, further comprising determining to identify the at least one other server to provide the service to at least some of the client devices based on a domain of the some of the plurality of client devices (see col. 7, lines 20-63, determining optimum servers 14, 16 based on the availability of web servers 14, and 16 DNS is inherently presented in the TCP/IP network).

9. As per claims 6, 28, and 38, Kriegsman discloses the method as set forth in above claims, further comprising requesting the address of the at least one second server from a Domain Naming System server (see col. 7, lines 20-63, determining optimum servers 14, 16 based on the availability of web servers 14, and 16 DNS is inherently presented in the TCP/IP network).

10. As per claim 15, Kriegsman discloses the method according to claim 1, further comprising the at least one second server (see servers 14):

determining to identify at least one other server to provide the service to the at least some of the plurality of client devices (see col. 7, lines 20-62);

requesting an address of at least one third server from the server address management entity; creating a resource identifier at the at least one third server; and

redirecting at least some of the plurality of client devices to get the service from the at least one third server, wherein the load on the at least one second server is reduced (see col. 3, lines 50-55, col. 6, lines 53-64, col. 7, lines 34-40, selecting one or more secondary servers 16).

11. As per claim 16, Kriegsman discloses the method according to claim 1, further comprising identifying the at least one other server to provide the service to at least some of the plurality of client devices from a list of known servers (see col. 7, lines 20-62, web servers 14).

12. As per claim 17, Kriegsman discloses the method according to claim 1, further comprising optimizing the service to the at least some of the plurality of client devices by balancing the load among the at least one second server (see col. 7, lines 20-62, determining the optimum server from secondary servers 14).

13. As per claim 18, Kriegsman discloses the method according to claim 1, further comprising optimizing the service to the at least some of the plurality of client devices by redirecting some of the at least some of the plurality of client devices from the at least one second server to get the service from at least one third server (see col. 7, lines 20-62, determining the optimum server from secondary servers 14).

14. As per claim 19, Kriegsman discloses the method according to claim 1, wherein the resource identifier comprises one of a Universal Resource Locator and a group identifier (URL and group ID are inherent in the routing between servers and client using web browser; see col. Line 14 to column 6, line 61).

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

16. Claims 7-14, 29-32 and 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kriegsman in view of Arnold et al, U.S. Patent Number 6,167,449.

17. As per claims 7, 29, and 39, Kriegsman discloses a system and method for coordinating multiple servers to optimize transfer of work load in a distributed computing

environment as set forth in the above claims. Kriegsman does not explicitly show the process of requesting the address of the at least one second server from a Service Location Protocol server. However, Kriegsman shows the process of requesting the address of the at least one second server from a web server using TCP/IP protocol and T1 connection (see web server 14, 16 and LANs 35,51). Arnold, in the same filed on endeavor, discloses the process of requesting the address of the at least one second server from a Service Location Protocol server (see SLP server 126, col. 3, lines 40-45). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to use the SLP server in view of the web servers discloses by disclosed by Kriegsman, because Arnold suggests that using SLP servers can provide more flexibility in a web based network environment like Kriegsman's disclosure (see column 3, lines 23-53). One skilled in the art would have been motivated to modify Kriegsman in view of Arnold because doing so would have enabled the web servers 14 to communicate with the client device 12 in a more flexible manner.

18. As per claims 8, 30, and 40 Kriegsman discloses a system and method for coordinating multiple servers to optimize transfer of work load in a distributed computing environment as set forth in the above claims. Kriegsman does not explicitly show that the first server and the at least one second server are Session Initiation Protocol servers. However, Kriegsman shows the process of requesting the address of the at least one second server from a web server using TCP/IP protocol and T1 connection (see web server 14, 16 and LANs 35,51). Arnold, in the same filed on endeavor,

discloses that the first server and the at least one second server are Session Initiation Protocol servers (see col. 3, lines 35-40). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to use the SLP server in view of the web servers discloses by Kriegsman, because Arnold suggests that using SIP servers can provide more flexibility in a web based network environment like Kriegsman's disclosure (see column 3, lines 23-53). One skilled in the art would have been motivated to modify Kriegsman in view of Arnold because doing so would have enabled the web servers 14 to communicate with the client device 12 in a more flexible manner.

19. As per claims 9-10 and 31, Kriegsman discloses a system and method for coordinating multiple servers to optimize transfer of work load in a distributed computing environment as set forth in the above claims. Kriegsman does not show that the requests for the service at the first SIP server by receiving one of a SIP SUBSCRIBE message and a SIP INVITE message from the plurality of client devices. Arnold, in the same field of endeavor, discloses the requests for the service at the first SIP server by receiving one of a SIP SUBSCRIBE message and a SIP INVITE message from the plurality of client devices. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Kriegsman in view of Arnold for the same reasons set forth in above paragraph.

20. As per claims 11-14, , Kriegsman discloses a system and method for coordinating multiple servers to optimize transfer of work load in a distributed computing environment as set forth in the above claims. Kriegsman does not show the process of receiving subscriptions to one of a sports event notification service, a news event notification service, and a financial event notification service at the first server from the plurality of client devices, inviting a chat group a group conference communications at the first server from the plurality of client devices. However, it would have been obvious for one of ordinary skill in the art to recognized that any of services could have been implemented in the web servers taught by Kriegsman. One skill in the art would have been motivated to modify Kriegsman in view of Arnold and use SIP services to implement any of those services so that web server can provide additional services to the users as suggested by Arnold (see col. 3, lines 20-62).

21. Applicant's arguments with respect to claims 1-19 and 24-45 have been considered but are moot in view of the new ground(s) of rejection.

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

System for balancing loads among network servers by O'Neil et al, U.S. Patent Number 6,128,279.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zarni Maung whose telephone number is (571) 272-3939. The Examiner can normally be reached on Monday-Friday from 6:30 to 3:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's

Supervisor, Valencia Martin-Wallace can be reached at (571) 272-3440. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system, status information for published application may be obtained from either Private or Public PAIR, for unpublished application Private PAIR only (see http://pair-direct.uspto.gov or the Electronic Business Center at 866-217-9197 (toll-free).

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ZARNI MAUNG
PRIMARY EXAMINER